

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant is canceling claim 2, amending claim 1 and adding new claims 14-17. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on October 23, 2003.

Art Rejections

1. Claims 1-5 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jouillat (US 6,264,065).
2. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jouillat (US 6,264,065) in view of Holzner (US 4,534,509).
3. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jouillat (US 6,264,065) in view of De Pous et al (US 5,950,817).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-5 And 8-11 In View Of Jouillat (US 6,264,065).

In rejecting claims 1-5 and 8-11 in view of Jouillat (US 6,264,065), the grounds of rejection state:

Jouillat discloses, in fig. 1, a fluid dispenser comprising a gas reservoir (12) defining an actuating wall for causing the volume of the reservoir to vary, and thereby driving the gas out of said reservoir; a fluid reservoir (13) defining an actuating wall for causing the volume of the reservoir to vary and thereby driving the fluid out of said reservoir; an outlet orifice (19) common to the gas reservoir (12) and to a fluid reservoir (13); a gas feed duct (14) which connects the gas reservoir (12) to the common outlet orifice (19); and at least one fluid feed channel (15) which connects a fluid reservoir (13) to the common outlet orifice (19); and an outlet chamber 18 having a porous material 17. The fluid dispenser comprises two sheets: one sheet is deformable and the other sheet is plane.

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Applicant has amended claim 1 to recite the feature of claim 2. The grounds of rejection do not specifically address the feature recited in claim 2 and, in fact, this feature is not disclosed in Jouillat.

To the contrary, Jouillat discloses a dispenser having two gas reservoirs 12 and a fluid reservoir 13. Each reservoir has respective outlet channels 14 and 15 joining at a common or shared channel 16 connecting a housing 18 containing a porous plug 17. A spray opening 19 is located at the downstream end of the housing 18. Therefore, the gas ducts 14 do not meet the fluid channel 15 at the spray opening 19.

Moreover, because of the different structures, the dispenser disclosed in Jouillat does not work in the same manner as in the dispenser of claim 1. In Jouillat, all the reservoirs 12 and 13

are emptied at the same time by the pressing component 2, whereas in the invention, the fluid reservoir is emptied first and the gas reservoir is emptied next. That means that the fluid is already at the outlet orifice when the gas reservoir is actuated.

Moreover, Jouillat is a single dose dispenser, whereas the dispenser of the invention permits multiple doses to be dispensed with a common gas reservoir. Accordingly, fluid does not enter the gas duct.

In view of at least the foregoing differences, claim 1 and claims dependent therefrom are believed to be allowable.

Claim Rejections - 35 U.S.C. § 103

1. Claims 6 And 7 Over Jouillat (US 6,264,065) in view of Holzner (US 4,534,509).

In rejecting claims 6 and 7 over Jouillat (US 6,264,065) in view of Holzner (US 4,534,509), the grounds of rejection state:

Holzner teaches an initial closing-off means 8 for interrupting a communication between a fluid reservoir 6 and an outlet orifice via a channel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide in the Jouillat invention with an initial closing-off means for interrupting an communication between a fluid reservoir 13 and an outlet orifice via a channel 15, in view teaching of Holzner, in order to prevent leakage of the fluid before its dispensing.

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Without agreeing to or substantively commenting on the grounds of rejection of claims 6 and 7, these claims are allowable at least by reason of their respective dependencies.

2. Claims 12 And 13 Over Jouillat (US 6,264,065) in view of De Pous et al (US 5,950,817).

In rejecting claims 12 and 13 over Jouillat (US 6,264,065) in view of De Pous et al (US 5,950,817), the grounds of rejection state:

De Pous et al. teach, in fig. 2, a fluid dispenser comprising a gas reservoir 13 for actuating the dispensing of a mixed fluid from two fluid reservoirs 74.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fluid dispenser of Jouillat with a gas reservoir for actuating the dispensing of a mixed fluid from two fluid reservoirs, in view of teaching of De Pous et al., in order to dispense a mixed fluid from two different fluids.

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Without agreeing to or substantively commenting on the grounds of rejection of claims 12 and 13, these claims are allowable at least by reason of their respective dependencies.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 14-17, which are allowable at least because the prior art does not teach or suggest the claim dispenser in which the gas feed duct meets the first fluid feed channel at the outlet orifice.

Conclusion

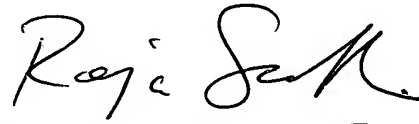
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/690,610

Attorney Docket No.: Q73395

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raja N. Saliba", written over a horizontal line.

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